

REMARKS

The present amendment is submitted in response to the outstanding Office Action mailed April 22, 2002. The claims have been amended in a manner which is believed to overcome the rejections under 35 U.S.C. Section 112, 35 U.S.C. Section 102 and 35 U.S.C. Section 103. Accordingly, withdrawal of the rejections of the claims is respectfully requested and allowance of the claims is respectfully requested, particularly in view of the remarks set forth hereinbelow.

In the outstanding Office Action Claims 1-5, 9 and 14-17 were rejected under 35 U.S.C. Section 112, second paragraph. In particular it was stated in the Office Action that the claims were allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention because of the expressions "or the like", "such as", and "according to category" appearing in the claims. Claims 1-5, 9 and 14-17 have been amended in a manner to overcome the rejections under 35 U.S.C. Section 112, second paragraph. Accordingly withdrawal of these rejections is respectfully requested.

In the outstanding Office Action Claims 1-9 and 12-17 were rejected under 35 U.S.C. Section 102(e) over U.S. Patent No. 6,179,025 to Sutton. The Sutton Patent relates to a carry bag with pouch in which a carry bag for storing personal articles comprises a three dimensional, generally rectangular-shaped, closable free-standing pouch. The pouch is substantially comprised of a flexible sturdy material and has a central storage area. A closure mechanism in the top face of the pouch is adapted for opening and closing the pouch and allowing a user to access the central storage area of the pouch.

At least two magnetic fasteners, each comprised of at least two corresponding portions are provided with at least one of the fastener portions being secured to at least one of the faces of the pouch. A detachable carrying strap, which has two opposite ends with a corresponding portion of each magnetic fastener secured to each end of the carrying strap is provided; or a detachable circular strap with corresponding portions of each magnetic fastener secured on the inside of the strap is provided, a bottom section of the circular strap being available to support the pouch, and an opposite, top section of the circular strap being free for carrying on a user's shoulder or hand.

A cover is provided comprising an open, three-dimensional cover compartment, the cover compartment being of sufficient size to snugly accommodate the pouch. The cover compartment comprises a front panel, a back panel, a bottom, and two compartment ends, the compartment ends being opposite and generally parallel to each other. A portion of one or more magnetic fasteners are secured to the inside of each compartment end, or to the front and back panels. The portions of the magnetic fasteners in the cover compartment corresponding to the opposite magnetic fastener portions on the pouch are provided such that the pouch without the detachable carrying strap can be quickly and easily inserted into, or detached from, the cover.

The pouch of Sutton is adapted for removable insertion into, and removal from the cover, and the portions of the magnetic fasteners on the carrying strap correspond to the portions of the magnetic fasteners on the pouch so that a user can quickly and easily detach the carrying strap to the pouch, or detach it from the pouch.

It is respectfully submitted that the present invention is distinguished patentably from the carry bag of the Sutton '025 Patent and is neither disclosed nor suggested in whole or in part, particularly as claimed in the claims as amended herein. In particular, the device for carrying articles of the present invention includes an enclosure and a functional device for carrying articles and information wherein the functional device is not only readily removably positionable with respect to at least one compartment of the enclosure by mutually magnetically attractable devices, but is also adapted to function in conjunction with the opening and closing mechanism of the compartment of the enclosure. For example, closing and opening the compartment of the enclosure correspondingly causes closing and opening of the functional device, not only due to the structure of the enclosure and the functional device, but also due to the particular arrangement of mutually magnetically attractable devices. Accordingly, whereas the carry bag of Sutton permits removable retention of a free-standing pouch within a cover compartment, there is no disclosure of a device for carrying articles in which a functional device such as a wallet, purse or the like can be removably positioned within a compartment of an enclosure with the functional device being opened and closed by opening and closing a closure panel which also provides access to the compartment in which the functional device is positioned.

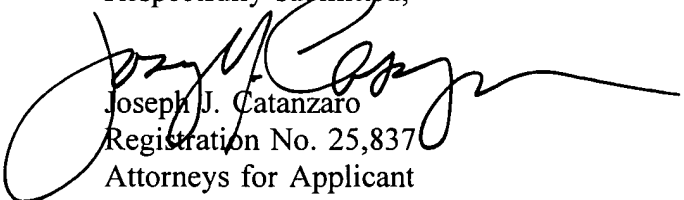
The claims of the present invention have been amended in a manner to emphasize the clear distinctions between the present invention and the prior art patent to Sutton. Accordingly withdrawal of the rejection under 35 U.S.C. Section 102 is respectfully requested.

In the outstanding Office Action claims 10 and 11 were rejected under 35 U.S.C. Section 103(a) over U.S. Patent No. 6,179,025 to Sutton. In the Office Action it was stated that although Sutton does not disclose the magnetic fastener being a neodymium magnet, it would allegedly have been obvious to one having ordinary skill in the art at the time the invention was made to provide neodymium magnetic for the Sutton magnetic fastener.

The remarks set forth hereinabove emphasizing the patentable distinctions between the present invention and the disclosure of the Sutton '025 Patent are hereby repeated with respect to the rejection under 35 U.S.C Section 103. In addition, it is respectfully submitted that the features relating to a neodymium magnet as recited in claims 10 and 11 clearly relate to particular features which enhance the functioning of the present invention as described hereinabove and are recited to further distinguish the present invention from the disclosure of the Sutton '025 Patent. In particular, the use of neodymium magnets provides magnets which are relatively powerful compared to ordinary magnets and therefore provide significant magnetic force to enhance the functioning of the present invention as described hereinabove.

Accordingly, in view of the above remarks, withdrawal of the rejections of claims 10 and 11 under 35 U.S.C. Section 103 is respectfully requested and allowance of those claims is respectfully requested.

Respectfully submitted,


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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

- 1) (Amended). A device for carrying articles or the like which comprises:
 - a) an enclosure defining a storage space;
 - b) a functional device for carrying articles[,] and information [or the like], said functional device[,] having at least one closed condition and an open condition and being removably positionable with respect to [a preselected portion] at least one compartment [of] defined by said enclosure; and
 - c) mutually magnetically attractable devices respectively associated with said at least one compartment of said enclosure and said functional device for retaining said functional device in position with respect to said [enclosure] compartment by magnetic attractive force, while permitting separation of said functional device from said [enclosure] compartment, whereby closing and opening said compartment correspondingly causes closing and opening of said functional device due to said magnetic attractive force.
- 2) (Amended). The carrying device according to claim 1, herein said enclosure is comprised of opposed front and rear walls, opposed side walls, and a bottom wall, said walls defining [a] said storage space.
- 3) (Amended). The carrying device according to claim 2, wherein said mutually magnetically attractable devices comprise at least one magnetic or magnetizable device associated with at least one portion of said [enclosure] compartment and at least one mutually magnetically attractable device associated with at least one portion of said functional device.

4) The carrying device according to claim 3, wherein said enclosure forms at least part of a handbag.

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5) (Amended). The carrying device according to claim 4, wherein said magnetically attractable devices comprise at least one magnet and at least one magnetically attractable device positioned in opposed adjacent relation with each other when said functional device is positioned within said compartment, said [magnet] magnetically attractable devices for providing magnetic force for separably retaining said functional device [adjacent at least a portion of said enclosure] in said compartment.

6) (Amended). A handbag which comprises:

a) an enclosure having at least opposed front and rear walls, opposed side walls, and a bottom wall, said walls defining a storage space, said storage space defining at least one compartment having at least one closure panel movable toward and away from at least one of said walls between close and open positions to close and open said compartment, respectively;

b) at least one first magnetically attractable device associated with [at least a portion of said enclosure] said closure panel; and

c) at least one functional device for carrying articles, information or the like and having at least one wall portion movable between close and open positions to close and open said functional device, said at least one wall portion having at least one second magnetically attractable device associated therewith, said at least one wall portion positionable adjacent said closure panel and said at least one first magnetically attractable device associated therewith, [such that said first and second magnetically attractable devices are positioned in adjacent—

relation] whereby said functional device may be separably attached to said [enclosure] compartment by magnetic attractive force, while permitting separation of said functional device away from said [enclosure] compartment [by movement of said magnetically attractable devices away from each other] and movement of said closure panel between said close and open positions correspondingly causes said functional device to move between said close and open positions.

18) (New). The handbag according to claim 6, whenever said functional device renders the appearance of permanent attachment to said compartment.

7) (Amended). A handbag which comprises:

a) an enclosure having opposed front and rear walls, opposed sidewalls, a bottom wall, and side walls defining a storage space, said storage space defining a compartment accessible through at least one of said walls;

b) a closure panel associated with said at least one [~~of said walls~~] wall and arranged for pivotal movement toward and away from said at least one wall so as to [define a] selectively close and open said compartment [therebetween];

c) at least one first magnetically attractive device associated with said [at least one wall] closure panel; and

d) a functional device for carrying articles, information or the like arranged for separable [attachment] positioning within said compartment, said functional device having at least one wall portion movable between close and open positions, said wall portion having associated therewith at least one second magnetically attractable device for removably attaching said functional device within said compartment by positioning said first and second

magnetically attractive devices in [opposed] adjacent magnetically attractive relation so as to develop mutual magnetic attractive force between said at least one first and second magnetically attractive devices, whereby movement of said closure panel toward and away from said at least one wall correspondingly causes said at least one wall portion of said functional device to move between said close and open positions.

8) The handbag according to claim 7, wherein said functional device is an article carrying device.

9) The handbag according to claim 8, wherein said article carrying device is an organizer-type wallet having a plurality of panels positioned therein and spaced apart from each other for separating articles [according to category].

10) (Amended). The handbag according to claim 9, wherein said magnetically attractable devices include at least one rare earth magnet and said opposed mutually magnetically attractable device is a magnet or a magnetizable material capable of being magnetically attracted to said rare earth magnet.

11) (Amended). The handbag according to claim 10, wherein said rare earth magnet or magnets is a neodymium magnet.

12) The handbag according to claim 8, wherein said article carrying device is a wallet.

13) The handbag according to claim 8, wherein said article carrying device is a mobile phone carrier.

14) The handbag according to claim 8, wherein said article carrying device is a change wallet[, or the like].

15) (Amended). A method of separably attaching a functional device to an article carrying container ^{1w} such as a handbag [or the like], said carrying container having opposed front and rear walls, opposed side walls, said walls defining storage space, said storage space defining at least one compartment having at least one closure panel movable between positions to open and close said compartment, comprising:

- a) providing first magnetically attractive device in association with at least one wall portion of the carrying container;
- b) providing second magnetically attractive device in association with at least one part of said [the] functional device at a location whereby [the] said functional device may be separably positioned adjacent said at least [a] one wall portion of the carrying container whereby said first and second magnetically attractive devices are positioned in adjacent relation so as to develop magnetically attractive force therebetween to separably attach [the] said functional device to the carrying container, and movement of said at least one wall portion of said carrying container causes corresponding movement of said at least one part of said functional device.

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16) (Amended). A method of separably assembling an article carrying container such as a handbag and a functional device ^{1A} such as an organizer-type wallet [or the like], in a manner to render the appearance of permanent attachment, comprising magnetically separably attaching [the] said functional device to a compartment defined by the carrying container by mutual magnetic force developed therebetween by at least first and second magnetically attractive devices associated respectively therewith, whereby movement of at least a portion of

the carrying container to open and close said compartment causes corresponding movement of at least a portion of said functional device to open and close said functional device.

17) (Amended). A device for carrying articles [or the like] which comprises:

a) an enclosure;

b) a wallet or change purse for carrying articles, information [or the like], said wallet being removably positionable with respect to a [preselected portion of] compartment defined by said enclosure, said compartment having a closure panel movable between close and open positions to selectively close and open said compartment; and

c) mutually magnetically attractable devices respectively associated with said [enclosure] compartment and said wallet or change purse for retaining said wallet or change purse in position with respect to said [enclosure] compartment by magnetic attractive force, while permitting separation of said wallet or change purse from said [enclosure] compartment, whereby movement of said closure panel of said compartment between said close and open positions causes corresponding movement of at least a portion of said wallet or change purse adjacent thereto.